Temperature Checks During COVID-19
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Currently, EEOC guidance allows employers to take the temperature and ask questions about symptoms of anyone entering the workplace because the Centers for Disease Control & Prevention (“CDC”) and state/local health authorities have acknowledged community spread of COVID-19. Note, however, that temperature may not be an accurate way to assess risk since it has been shown that some people with COVID-19 could be contagious without a fever, temperature checks will not screen out individuals who have taken fever-reducing medications, and having a fever does not necessarily mean the person has COVID-19. If you decide to implement temperature checks, there are several things to consider.

(1) **Who will do the temperature checks?** Will you allow employees to check their own temperatures and self-report? Or will you hire on-site staff or contract third party services? If you cannot find a health care professional to conduct the temperature checks, make sure whoever you assign to do the checks is properly trained, has appropriate protective gear, and is comfortable doing it. If possible, it should probably be a higher level manager.

(2) **Must employees be paid for the time it takes to check their temperature?** Probably yes. If you require employees to have their temperature checked prior to starting work, the time it takes to check their temperature will likely be considered compensable time. The determination is fact-specific, but before you decide not to pay your employees for that time, be sure to consult with a knowledgeable HR or legal professional.

(3) **What will you do if someone has a fever?** Make sure you have a plan in place on how you will handle anyone who has a fever or other symptoms of COVID-19. According to the EEOC’s current guidance, if someone has a fever or other symptoms of COVID-19, you can send them home. Employers can require a doctor’s note certifying fitness for duty in order to return to work. Note, however, that health care professionals may be too busy to provide such documentation, so the EEOC suggests that new approaches may be necessary such as reliance on local clinics to provide a form or e-mail to certify that an individual does not have COVID-19.

(4) **Remember to keep medical information private.** Taking someone’s temperature is considered a medical examination and the information you collect is medical information that must be kept confidential and separate from the employee’s personnel file. The EEOC has advised that an employer may keep a log of the results of daily temperature checks as long as such information is kept confidential.

(5) **Whose temperature are you checking?** Be sure you are consistent with checking temperatures to avoid claims of discrimination. The EEOC states that an employer may take the temperature of an applicant as part of a post-offer, pre-employment medical exam. The EEOC does not specifically address whether you may take the temperature of an applicant coming to your office for an interview. However, if you take the temperature of every person coming into your office (employees, customers, vendors, visitors, etc.),
this will likely be fine. Be sure to let the interviewee know in advance that it will be required.

**Resources**
- [What You Should Know about COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#) (Technical Assistance Questions and Answers)
- [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#)